

P-5540-C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark L. Binette et al.
Serial No.: 10/662,196
Filed: September 11, 2003
Group No.: 3711
Examiner: R. Gorden
For: Perimeter Weighted Multi-Layer Golf Ball

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION (37 CFR 1.321(b))

Identification Of Person(s) Making This Disclaimer

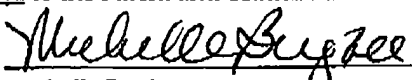
Name(s) of disclaimant(s): Michelle Bugbee
having an address of: The Top-Flite Golf Company,
a wholly-owned subsidiary of Callaway Golf Company
425 Meadow Street
Chicopee, MA 01013

represent that I am

- ☐ an inventor of this invention
☐ an assignee of this invention
☒ Attorney of record in the present application

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile on October 12, 2004 to the Patent and Trademark Office to Examiner R. Gorden in TC3700 at 703-872-9306.


Michelle Bugbee

(Terminal Disclaimer to Obviate a Double Patenting Rejection (37 CFR 1.321(b))
(9-4)-page 1 of 4)

10/662,196

-2-

P-5540-C1

Identity of Assignee and Title of Disclaimant (if applicable)

The assignee is
Name of assignee: Callaway Golf Company
Address of assignee: 2180 Rutherford Road
Carlsbad, CA 92008-7328

Title of disclaimant authorized to sign on behalf of assignee:
Senior Patent Counsel

Recordal of Assignment in PTO

XX the assignment to Spalding Sports Worldwide, Inc. was recorded on
Reel: 011704; Frame: 0615 on April 13, 2001; the assignment to The
Top-Flite Golf Company was recorded on Reel: 013753; Frame: 0072 on
June 2, 2003; the assignment to Callaway Golf Company was recorded on
Reel: 014007; Frame: 0688 on September 26, 2003.
— authorization for recordal of the assignment is separately attached

Extent of Interest

The extent of my (our) interest is in
XX the whole of this invention
— a sectional interest in this invention as follows (here
state the exact interest of the disclaimant(s):

Statement Pursuant to 37 C.F.R. 3.73(b)

I the undersigned, have reviewed all the evidentiary documents in the
chain of title of the
XX patent application
— patent
matter identified above and, to the best of my knowledge and belief, title is in the
assignee identified above which is seeking to take action.

(Terminal Disclaimer to Obviate a Double Patenting Rejection (37CFR 1.321(b))
[9-4]-page 2 of 4)

10/662,196

-3-

P-5540-C1

Disclaimer

I hereby disclaim the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of:

XX United States Patent No. 5,984,806 as presently shortened by any terminal disclaimer

— Any patent granted on application numbers:

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

XX United States Patent No. 5,984,806

— Any patent granted on application numbers:

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

XX United States Patent No. 5,984,806 as presently shortened by any terminal disclaimer

— Any patent granted on application numbers:

In the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

(Terminal Disclaimer to Obviate a Double Patenting Rejection (37CFR 1.321(b))
(9-4)-page 3 of 4)

10/662,196

-4-

P-5540-C1

Fee Status

(37 CFR 1.20(d) and 37 CFR 1.321)

☒ other than a small entity -- fee \$110.00☐ small entity--fee \$55.00☐ verified statement attached☐ verified statement filed on _____**Fee Payment**☐ Attached is a check in the sum of \$ _____☐ The fee for this Disclaimer was previously paid on ; _____☒ Charge Account 17-0150 for any fee deficiency required by this paper.☒ Charge Account 17-0150 the sum of \$110.00.**Declaration**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Top-Flite Golf Company

A wholly-owned subsidiary of Callaway Golf Company

Date: October 12, 2004By: Michelle Bugbee

Michelle Bugbee, Reg. No. 42,370

Senior Patent Counsel

The Top-Flite Golf Company,

A wholly-owned subsidiary of Callaway Golf Company

425 Meadow Street, P. O. Box 901

Chicopee, MA 01021-0901

(Terminal Disclaimer to Obviate a Double Patenting Rejection (37CFR 1.321(b))

(9-4)--page 4 of 4)